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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,324	10/30/2000	Hanna Abi-Saleh	9826-038-999	6705

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PENNIE & EDMONDS LLP
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EXAMINER

PENDERGRASS, KYLE M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 07/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,324

Applicant(s)

ABI-SALEH, HANNA

Examiner

Kyle M Pendergrass

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 5-7, 11, 12, and 15-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Burger et al (US 5,097,533).

Regarding Claims 1 & 11, Burger et al., discloses a data structure (95). The office is interpreting a "data structure" to mean any organizational scheme applied to data so that operations can be performed on said data. As such, the interface inherently acts as a data structure. Burger et al., further discloses extracting a first set of control sequences (processor state, col 7, line 24) from a first computer application program (54); extracting a second set of control sequences from a second computer application program (reference discloses multiple application programs and corresponding control sequences, column 5, lines 50-53); and loading said first set of control sequences and said second set of control sequences into said data structure (control sequences stored in data table, column 3, lines 55-56). Burger et al., further discloses a computer program (42) with instructions for operating the above method of Claim 1.

Regarding Claims 2, 5-7, 12, and 15-17, Burger et al., discloses using control sequences (110) to open (call), run (test) and close a computer application (column 9, lines 43-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 8-10, 13, 18-20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al. (US 6,039,426) and Dobbs (US 6,039,426).

Regarding Claims 3 and 13, Burger et al., discloses all of claims 3 and 13 except for a graphical interface.

However, the Dobbs disclosure describes a user-selected icon (column 2, lines 54-55), which indicates the use of a graphical interface. Dobbs further discloses (columns 2 & 3, lines 29-35 & 18-20, respectively) a computer program (print driver, computer assisted method) with instructions for the above method of Claim 3.

Accordingly, it would have be obvious to one skilled in the art at the time of the invention to have used the graphical user display disclosed by Dobbs with the method and computer program of Burger et al. The display disclosed by Dobbs would allow the system of Burger et al., to be used more easily and would create more program options for the user.

Regarding Claims 8-10 and 18-20, Burger et al., discloses all of claims 8-10, and 18-20, except for a control sequence to open, close and print a document associated with a computer application.

However, Dobbs discloses a control sequence to open, close and print a document associated with a computer application. Dobbs discloses (column 2, lines 12-61) a control sequence to open a document (test pattern) associated with a computer application (print mode) in order to produce a test print from the test data structure. Dobbs further discloses (columns 2 & 3, lines 62-67 & 1-15, respectively) multiple print jobs of different print modes and different print medias that are serially administered. The control sequences close one computer application and its document before the next application runs. Dobbs further discloses (columns 2 & 3, lines 29-35 & 18-20, respectively) a computer program (print driver, computer assisted method) with instructions for the above methods of Claims 8-10.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the control sequence access method of Burger et al., with the document control method of Dobbs. Such a combination would allow the system disclosed by Burger et al., to provide numerous print modalities.

Regarding Claim 21, Burger et al. discloses all of Claim 21 except a detection method for a graphical user display.

However, Dobbs discloses (column 2, lines 44-61) instructions to detect whether the computer application program includes a graphical user display with a menu bar (icon on a computer screen).

Accordingly, it would have been obvious to one skilled in the art at the time of the invention to have used the graphical user display detection functionality disclosed by Dobbs within the computer program (42) of Burger et al. A graphic user display in an

application program would have been problematic in the computer program of Burger et al., disrupting the extraction of the application software. The detection functionality of Dobbs would have alleviated this problem.

Claims 4 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al. (US 6,039,426), Dobbs (US 6,039,426) and Ball (US 6,189,047). The combination of Burger et al., and Dobbs teaches all of Claims 4 and 14 except the inclusion of a spreadsheet.

However, Ball teaches a graphical user interface (GIU) which supports a spread sheet (column 1, lines 24-32).

Accordingly, it would have been obvious to one skilled in the art to have used the spread sheet disclosed by Ball in the graphical user interface disclosed by Dobbs because of its extended functionality of queuing multiple events on a computer application program beyond Dobbs disclosure of a print queue.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al. (US 6,039,426), Dobbs (US 6,039,426) and Pham et al. (US 5,524,253). Burger et al., and Dobbs disclose everything in Claim 22 except extracting a first control sequence corresponding to a second control sequence.

However, Pham et al. discloses extracting a first control sequence corresponding to a second control sequence. Links are defined to ensure the source application program data can be called by the destination application program (column 13, lines 2-5).

Accordingly, it would have been obvious to one skilled in the art at the time of the invention to have included the extraction method disclosed by Pham in the instructions of Burger et al., and Dobbs. Including the extraction method disclosed by Pham et al., would have created a more versatile and compatible system for controlling the computer applications of Burger et al., and Dobbs.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle Pendergrass whose telephone number is (703) 306-3445. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, David K. Moore can be reached on (703) 305-7452. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application of proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



**DAVID MOORE
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